IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 106 OF 2006

Santosh Bajirao Jagtap. ...Applicant
V/s.
State of Maharashtra. ...Respondent

Mr.Amit Shete holding for Mr.S.S. Desai for Applicant.
Mr.R.Y. Mirza, APP for the State.

CORAM : V.M. KANADE, J.

DATED : JANUARY 30, 2006

P.C. :-

. Heard learned Counsel for the applicant and learned APP for the State.

. The applicant was arrested in connection with an offence which is registered by Aundh Police Station, Taluka Khatav, District Satara, on 2nd June, 2005. It is alleged that the applicant had seen the prosecutrix and her brother waiting on the bus stop and had offered to give them a lift and after sometime when they reached the nearby field, he asked the brother to wait and thereafter, took the girl and commited rape on her. There is a delay of 35 days in filing the said complaint. It appears that the applicant and the

complainant had a dispute and on the basis of the complaint filed by the applicant, the police had initiated action against the complainant and her husband under Section 110 and Section 151 of the Cr.P.C. on 1.6.2005 and on the very next day, the complaint was lodged by the complainant alleging that the applicant had raped her daughter on 28th April, 2005. The present complaint has been lodged almost after 35 days after the alleged incident. The medical evidence does not support the case of the prosecution. Considering this fact and further the delay in lodging the complaint, in my view, this is a fit case for grant of bail.

2. The applicant be released on bail in the sum of Rs.5000/- with one or two sureties in the like amount. The applicant shall report to Aundh Police Station, Taluka Khatav, once in two months.

. The application is disposed of in the above terms.

(V.M. KANADE, J.)